



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

Ms. Kristi LaRoe
Assistant District Attorney
Justice Center
401 West Belknap
Fort Worth, Texas 76196-0201

OR98-3065

Dear Ms. LaRoe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 120677.

The Tarrant County Criminal District Attorney received a request for the "[l]etter from Tarrant County Commissioner Marti VanRavenswaay to Marvin Collins regarding complaints of potential wrongdoing in the Tarrant County Sheriff's Department." You claim that the requested letter is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the document at issue.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation;

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

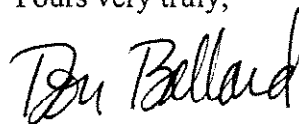
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(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You indicate that the requested information concerns an ongoing criminal investigation by your office. You have submitted an affidavit from Assistant District Attorney Larry M. Thompson which states that release of the requested letter would interfere with the criminal investigation because it would reveal the substance and scope of current evidence and accusations. We find that you have shown that the release of the requested information would interfere with the detection, investigation or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); Open Records Decision No. 216 (1978). Thus, we conclude that the requested letter may be withheld under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID # 120677

Enclosures: Submitted document

cc: Ms. Laurie Fox
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75266-8222
(w/o enclosures)